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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas M. Jessell et al.
Serial No.: 09/654,462 Group Art Unit: 1632
Filed : September 1, 2000 Examiner: A-M Baker
For : GENETIC DEMONSTRATION OF REQUIREMENT FOR NKX6.1
AND NKX2.2 IN VENTRAL NEURON GENERATION

1185 Avenue of the Americas
New York, New York 10036
January 17, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231
BOX SEQUENCE

Sir:

STATEMENT IN ACCORDANCE WITH 37 C.F.R. §1.821(f)

In accordance with 37 C.F.R. §1.821(f), I hereby certify that the computer readable form containing the nucleic acid and/or amino acid sequences required by 37 C.F.R. §1.821(e) and submitted in connection with the above-identified application, has the same information as the "Sequence Listing," attached as Exhibit B and contains no new matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Maria V. Marucci
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Applicants: Thomas M. Jessell et al.
Serial No.: 09/654,462
Filed: September 1, 2000
Page 4

Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures, the Examiner stated that this application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. §§ 1.821(a)(1) and (a)(2). The Examiner stated that, however, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reasons set forth on the attached Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

In addition, the Examiner stated that sequences are disclosed in the specification, for example, in Figures 6-9. The Examiner stated that, however, no sequence listing has been provided. The Examiner reminded applicants that the entire specification and figures should be reviewed for sequence disclosures. The Examiner further reminded applicants that amendment to the specification and/or figures is required to comply with 37 C.F.R. §1.821(d). The Examiner stated that each sequence disclosed in the specification and figures must be identified by its sequence identifier (i.e., SEQ ID NO:).

The Notice states that the nucleotide and/or amino acid sequence disclosure contained in this application clearly fails to comply with the requirements of 37 C.F.R. §§ 1.821 - §1.825 because: 1) the application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. §1.821; 2) a copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. §1.821(e); and 3) the specification and/or figures must be amended in accordance with 37 C.F.R. §1.821(d).

The Notice states that applicant must provide: 1) an initial or substitute computer readable form (CRF) copy of the "Sequence

Applicants: Thomas M. Jessell et al.
Serial No.: 09/654,462
Filed: September 1, 2000
Page 5

Listing"; 2) an initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification; and 3) a statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. §1.821(e) or §1.821(f) or §1.821(g) or §1.825(b) or §1.825(d).

In response, applicants without conceding the correctness of the Examiner's position but to expedite prosecution of the subject application enclose a computer diskette containing the sequence listing in computer readable form. Applicants attach hereto, as Exhibit B, a paper copy of the computer readable form of the sequence listing. Applicants attach hereto as Exhibit C a Statement in Compliance with 37 C.F.R. §1.821(f) certifying that the computer readable form contains the same information as the paper copy of the sequence listing attached as Exhibit B.

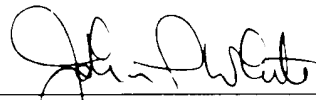
In addition, applicants without conceding the correctness of the Examiner's position but to expedite prosecution of the subject application have hereinabove amended the specification to include references to the sequence identifier information (i.e., SEQ ID NO: 1-4) as requested by the Examiner in the December 18, 2001 Notice to Comply. This amendment does not involve any issue of new matter. Therefore, entry of this amendment is respectfully requested.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Applicants: Thomas M. Jessell et al.
Serial No.: 09/654,462
Filed: September 1, 2000
Page 6

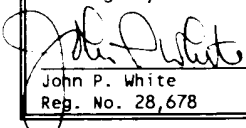
No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, Box Sequence.



John P. White
Reg. No. 28,678

11/17/02
Date

Applicants: Thomas M. Jessell et al.
Serial No.: 09/654,462
Filed: September 1, 2000

EXHIBIT 2

On page 11, lines 1-7:

--Figure 6 **Human Homeobox Protein Nkx6.1.** NCBI Accession No. P78426. (Inoue, H. et al., "Isolation, characterization, and chromosomal mapping of the human Nkx6.1 gene (NKX6a), a new pancreatic islet homeobox gene" Genomics 40(2):367-370, 1997). Amino acid sequence of human homeobox protein Nkx6.1 (SEQ ID NO: 1).--

On page 11, lines 9-16:

--Figure 7 **Human NK Homeobox Protein (Nkx6.1) gene, exon 1.** NCBI Accession No. U66797. Segment 1 of 3 (Inoue, H. et al., "Isolation, characterization, and chromosomal mapping of the human Nkx6.1 gene (NKX6a), a new pancreatic islet homeobox gene" Genomics 40(2):367-370, 1997). Nucleic acid sequence encoding human homeobox protein Nkx6.1, bases 1-682 (SEQ ID NO: 2).--

On page 11, lines 18-25:

--Figure 8 **Human NK Homeobox Protein (Nkx6.1) gene, exon 2.** NCBI Accession No. U66798. Segment 2 of 3 (Inoue, H. et al., "Isolation, characterization, and chromosomal mapping of the human Nkx6.1 gene (NKX6a), a new pancreatic islet homeobox gene" Genomics 40(2):367-370, 1997). Nucleic acid sequence encoding human homeobox protein Nkx6.1, bases 1-185 (SEQ ID NO: 3).--

On page 11, line 27 - page 12, line 4:

--Figure 9 **Human NK Homeobox Protein (Nkx6.1) gene, exon 3 and complete cds.** NCBI Accession No. U66799. Segment 3 of 3 (Inoue, H. et al., "Isolation, characterization, and chromosomal mapping of the human Nkx6.1 gene (NKX6a), a new pancreatic islet homeobox gene" Genomics 40(2):367-370, 1997). Nucleic acid sequence encoding human homeobox protein Nkx6.1, bases 1-273 (SEQ ID NO: 4). Protein

Applicants: Thomas M. Jessell et al.
Serial No.: 09/654,462
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encoded is shown in Fig. 7.--